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## STATE OF KANSAS

### **Testimony to the United States Senate Committee on Commerce, Science, and Transportation Submitted March 2, 2001**

Thank you Mr. Chairman and members of the committee for the opportunity to appear today. My name is Ron Thornburgh; I am the Kansas Secretary of State and President-elect of the National Association of Secretaries of State. It is an honor to appear before you and discuss the need for election reform in America.

Following last November's election the nation was quick to appoint dozens of select commissions, blue ribbon panels and task forces to change our American system of elections. In Kansas we invited our election reform commissioners to a meeting at the capitol. We had the benefit of congressmen and women, journalists, law school deans and professors – and the United States Supreme Court decision. And our conclusion was that the system works.

So today, before this body, I urge caution. Our system did provide for the orderly transfer of power contemplated by our Constitution. The November election may not have been pretty, and the results may not have come quickly, but quick fixes and convenience are not the measure of democracy.

Even though the system worked, America's confidence in our system has been shaken. More speeches, commissions, and blue ribbon panels will not restore confidence. Simply plugging in a few new machines around the country will not restore confidence.

We have to take this opportunity to fundamentally improve our electoral system. From the courthouse to the White House, now is the time to act. The three most critical areas in need of reform are equal protection, uniform voluntary standards, and voter registration.

#### ***Equal Protection***

We must ensure that every American has absolute and unobstructed access to the voting process. From the time of registration through the final recount and contest of an election, we must provide equal treatment for all.

The Supreme Court has said we must adopt adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them. The court also mandates an opportunity for orderly judicial review of any disputed matters that might arise during the process. You and I alone, no matter how laudable our motives, cannot sit in our offices and draft standards. There must be discussion, debate, and court review.

#### ***Uniform Voluntary Standards***

America needs uniform voluntary national standards for our voting equipment, technologies, and processes. America does not need the same ballot or voting machine in every precinct.

State and local governments must continue to be in charge of the election process. Just as our Electoral College system reflects that individual states - as corporate bodies – are important, so should any reform we adopt respect the individual conduct of elections within their borders. In our federal system, states count.

New technology is necessary in many areas of the country, but understand:

- What works for Los Angeles, California certainly won't work for Leoti, Kansas. This is not a plea to place new technology in every polling place in America. As Senator Nancy Kassebaum Baker told me recently, "The pencil on a string works very well in Burdick, Kansas, Ron. Don't change it."
- Most technology in use today is exceedingly accurate and secure... as long as the voters follow the rules. When every voter clearly marks the box, completely darkens the oval, or even completely dislodges the chad, the vote counting systems in use today work very well. Our job, as election administrators, is to insist upon the development and use of vote-counting systems to determine true voter intent.
- Funding for issues other than new technology is critical. However, the hard reality is state and local governments need help funding the best systems to ensure safe, secure and accurate elections. All too often county government has had to face the difficult choice of replacing crumbling roads and bridges, or trying to squeeze another election out of an antiquated system. Also, with the recent Supreme Court decision regarding equal protection, we know we must provide better and more training for voters, poll workers, and canvassing boards to ensure logical, uniform and equal enforcement of election law.

As with all issues in which technology plays an important role, people still play a more important role.

Perhaps that is why, with all the talk about voting equipment, imperfect ballot forms and hanging chads, the American public in general was more outraged by the effects of exit polling and of news media's prematurely predicting winners - activities clearly controlled, by human judgment.

We must focus on the objective of our reform efforts. I say our objective must be to ensure that every American has absolute and unobstructed access to the voting process.

I suggest that the Supreme Court agrees with those who share this view. Let us recognize that there is no access to the voting process if a citizen:

- encounters confusing voting procedures;
- is handed a poorly worded or formatted ballot;
- must use unproven equipment or technology;
- is given bad predictions or apparent results before the election is over any place in our country;
- because of any barrier, physical or otherwise, cannot negotiate the procedure; and finally
- casts a vote, the intention of which must be divined by speculation or supposition.

While creating standards, I urge everyone involved to dismantle any barrier to the voting process, not just the ultimate barrier when the voter's intention is wrongly determined.

These issues can only be addressed with a long-term commitment to resolving our problems and rebuilding the public confidence in our system. Confidence cannot be won with a few studies and position papers. The American voter will only be assured of the ability of our system and the value of our democracy when they know their vote cast at the polling place is accurately reflected in the final tabulation.

### ***Voter Registration***

We must do everything we can to ensure our voter registration records are accurate, complete, and up-to-date. With some counties recording greater than 100% of their voting population as registered voters, how can we have confidence in our records? When an election official knows a potential voter does not live where our records show, yet we cannot adjust the records, how can we have confidence in our records?

Better maintenance of our voting records will do much to protect the integrity of our electoral process. Until we can guarantee every name on the list is accurate, we have work to do. State and local governments need the ability to keep our voting lists clean. Current law, in many cases, prevents such basic measures of protection.

Congress must fully fund section 8 (h) of the National Voter Registration Act of 1993 allowing first class handling of official election mail at the third class rate. This simple act, saving millions of dollars nationwide, will also provide the opportunity to cleanup badly outdated voter registration records.

In our next election, America must be assured we have done everything possible to address the problems of our last election cycle. Federal, state and local governments want to provide the best voting systems in the world.

As President-elect of the National Association of Secretaries of State, let me state, we know what problems exists, we know the issues, and we want to work with you to be a part of the solution.

I find it amazing today, thirty-six years after the passage of the Voting Rights Act, we are still debating how to provide every American equal access to our most precious right. This time it is up to you and me to get it right.

We have the chance to provide equal protection for all voters.

We have the chance to create uniform voluntary standards for voting.

We have the chance to improve the reliability of voter registration records.

We have the duty to restore America's confidence.